



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF NOVEMBER 20, 2003**

- CALL TO ORDER: Chairperson Cohen called the meeting to order at 7:00 p.m.
- PRESENT: Chairperson Cohen, Commissioners Wieckowski, Harrison, Thomas, Sharma, Natarajan
- Commission Weaver arrived 7:30 p.m. and left at 9:00 p.m.
- STAFF PRESENT: Jeff Schwob, Interim Planning Director
Larissa Seto, Senior Deputy City Attorney II
Kathleen Livermore, Senior Planner
Barbara Meerjans, Associate Planner
Andrew Russell, Associate Civil Engineer
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Walter Garcia, Video Technician
- APPROVAL OF MINUTES: Regular Minutes of October 9, and November 6, 2003 were approved with the following changes
- October 9, page 19' second paragraph from bottom of page – "Commissioner Sharma agreed that there was some odor inside ~~and outside~~ the Sacramento facility."
 - November 6, page 19, bottom of page – Incorporate the two separate votes for the project to incorporate speaker Lorna Jaynes' suggested wording into the motion.

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBER 2.

IT WAS MOVED (HARRISON/WIECKOWSKI) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBER 2.

- Item 2. MOWRY AVENUE CONDOS PD MINOR – 1481 Mowry Avenue – (PLN2003-00253)** – to consider Tentative Tract Map 7479 and a minor amendment to a Planned District P-2001-174 to add a third story to an approved condominium project for the purposes of adding a third bedroom to the second-story two-bedroom units for property located in Central Planning Area. An Environmental Impact report was previously prepared for this project.

MODIFICATION TO STAFF REPORT

Added Condition #6 to Exhibit "B": The exact shade and color treatment of all proposed exterior structure elements for the project shall be determined and finalized upon an onsite visit by Planning staff only after a sample size of each selected color is applied to the building. Should Planning staff find that the color treatment is inappropriate and/or not compatible with the project as proposed, the applicant shall recognize and agree to a modified color treatment.

Commissioner Harrison asked if the applicant was aware of and had approved the modification.

Interim Planning Director Schwob understood that the applicant had approved the change.

Chairperson Cohen asked if any of the Commissioners wished to add any other items to the consent list.

The Commissioners had no additions to the consent list.

IT WAS MOVED (HARRISON/WIECKOWSKI) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

FIND PLANNED DISTRICT MINOR AMENDMENT PLN2003-00253 RESULTS IN NO ADDITIONAL ENVIRONMENTAL IMPACTS AS IDENTIFIED UNDER CEQA AND THAT THE PREVIOUS CERTIFIED ENVIRONMENTAL IMPACT REPORT IS STILL APPROPRIATE FOR THIS REVISED PROJECT AND THAT NO FURTHER REVIEW IS REQUIRED;

AND

FIND PLANNED DISTRICT MINOR AMENDMENT PLN2003-00253 IS STILL IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN ATTACHED THERETO AS INFORMATIONAL 1 IN THE STAFF REPORT PROVIDED TO THE CITY COUNCIL ON APRIL 9, 2002. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVE PLANNED DISTRICT MINOR AMENDMENT PLN2003-00253, AS SHOWN ON EXHIBIT "A", SUBJECT TO CONDITIONS ON EXHIBIT "B";

AND

FIND TENTATIVE TRACT MAP 7479 TO BE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS, OBJECTIVES AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING ELEMENTS;

AND

FIND THAT TENTATIVE TRACT MAP 7479 FULFILLS THE INTENT OF THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND

APPROVE TENTATIVE TRACT MAP 7479, AS SHOWN ON EXHIBIT "D", BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "E".

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Natarajan, Sharma, Thomas, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 - Weaver
RECUSE:	0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

Commissioner Wieckowski asked that some members of the public be allowed to comment on the study session held earlier in the evening.

Jan Coleman-Knight, Mission San Jose Area resident, was pleased that this secondary unit proposal was being reviewed, as it would directly affect her half-acre property in a positive way. Impact fees could amount to 15 thousand dollars, which would be a significant cost if she chose to convert her 400 square foot garage/storage room to a second dwelling unit. She asked that the Commission consider how those impact fees would influence the affordability of a conversion unit.

[Speaker's name omitted for confidentiality], Mission San Jose Area resident, was concerned about the overall square footage allowed for a secondary dwelling unit. She asked that the City concur with the 1,200 square foot size allowed by the state, which would allow a unit to be built to meet the needs of the occupant.

PUBLIC HEARING ITEMS

Item 1. WALNUT/MISSION – 38987 Mission Boulevard – (PLN2003-00176; PLN2004-00032) – to consider a General Plan Amendment to change the land designation from Residential 5-7 du/ac to Residential 15-18 du/ac and to rezone the site from R-1-8 Single-family Residential District to a Preliminary and Precise Planned District to allow 25 townhouses, condominiums, and flats on 1.5 acres located in the Central Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project.

Commissioner Harrison disclosed that he had spoken with the applicant concerning parking and some of the conditions that would be discussed.

Commissioner Natarajan disclosed that she had also spoken with the applicant about an elevation from Mission Boulevard for this project.

Mark Robsen, applicant representing Santa Clara Development Company, described the challenges on this site, which were a railroad track on one side, a state highway on another and an intersection. Most of the development would be facing them. The open space in the middle of the project would provide a “softening along the edge” and would provide a “place” that would be created by the surrounding buildings. The design had vertical forms that would create an urban sense, along with natural materials, such as brick and wood trimmed windows, which would add warmth, authenticity and quality to the project. He asked for questions from the Commissioners and stated that he would address some of the conditions later.

Commissioner Wieckowski felt that there should be some sort of statement at the corner of Walnut Avenue and Mission Boulevard.

Mr. Robsen replied that a double row of trees would wrap around the entire outer edge of the project. The grade would be raised from the street to the patios and front doors, which would allow the façade to appear as a two-story façade and allow the buildings to be distanced from the two very busy streets. The building contained a tower-like element that would anchor that corner. He introduced John Wong, landscape architect, who would describe the landscape design.

John Wong stated that the sidewalk would be between the staggered double row of street trees along the two main thoroughfares. The grade would be raised three feet with a brick-capped wall behind it. Vines and flowering shrubs would be planted at the base of the wall, which would be painted to match the building.

Commissioner Harrison asked if the separate sketch showed the Walnut Avenue corner at the south end of the project.

Mr. Wong stated that it showed the corner as it would appear while walking between the street trees with the wall on the right side.

Commissioner Sharma asked if the second sketch was looking from Mission Boulevard. He asked if stronger landscaping had been considered for that corner of Mission Boulevard and Walnut Avenue or perhaps some kind of public art, like a mission bell, that might relate to the Mission area.

Mr. Wong agreed that it was looking from Mission Boulevard. He stated that Walnut Avenue would be behind the pedestrian, as showed in the rendering. He agreed that a mission bell was a very good suggestion. The city had recommended that a Zelkova serrata tree be planted at the corner, which would carry around both sides of the corner. The flowering shrubs would also turn the corner to provide a continuous green planting at the base --- of the buildings.

Commissioner Thomas asked where the different buildings were in relation to the building shown in the rendering. She noted that the trees would continue across one driveway that did not open onto the street.

Mr. Wong described the locations of the buildings and the two driveways.

Commissioner Natarajan asked where the sound wall was to be along Walnut Avenue and Mission Boulevard. She asked why it did not go to the corner and why a wall was needed in front of the open space along Mission Boulevard. She asked what the height would be. She asked what percentage of the site would be landscaped and what zoning was used for the to determine the minimum.

Mr. Wong stated that the sound wall would not be continuous. It would be between the two end buildings. There would be no outdoor living space at the corner. A study recommended the sound wall in front of the open space to provide a noise buffer for residents using it. From the inside the development, the wall would be six feet and from the street, it would be nine feet, because it was to be constructed on the three-foot grade. The landscaping would cover more than what was minimally required.

Associate Planner Meerjans stated that the open space requirements were compared to R-3 zoning standards.

Commissioner Natarajan noted that the driveway widths were 34 feet, which would be a main street in many cities. Was this a city requirement and what about the five-foot planters on either side?

Mr. Robsen believed that a 26-foot wide street was a PVAW standard. The width of the driveway varied curb-to-curb and averaged 24 feet. From the face-of-building to face-of-building would be 34 feet with planters breaking it up.

Commissioner Harrison asked if the four affordable units had been determined, yet, and if they would consist of the same materials used for the market rate units in the project.

Mr. Robsen replied that they had not been determined, but they would be one of the three unit types that would have approximately 1,000 square feet. They would be spread throughout the project. He confirmed that all units would be constructed the same.

Commissioner Thomas asked if the soundwall would end at the corner of Mission Boulevard and Walnut Avenue with landscaping in front and a driveway on the back side. She worried about "people tripping through the landscaping" at that point.

Mr. Robsen replied that the soundwall would stop at the midpoint of the second building closest to the corner.

Commissioner Thomas asked if the second garage access way [PVAW] was just curb at the end of the wall.

Mr. Robsen answered that it would be a retaining wall at that point, because the street [PVAW] would be below grade.

Commissioner Thomas opined that it would be a great place for the children to run from Mission Boulevard, cut across the grass and jump down at that point.

Mr. Robsen stated that a continuous hedge was planned at that location and code required that a 42-inch rail be added to the 36-inch wall.

Commissioner Wieckowski asked the advantage or disadvantage of Walnut trees versus London Plane trees.

Mr. Wong stated that the City asked that Sawleaf Zelkova (mentioned earlier) and a Chinese Hackberry be used, instead. The original Walnut trees were messy, slow growing and not recommended as a street tree, because the roots could raise the sidewalk.

Commissioner Sharma asked if any of the original trees could be salvaged.

Mr. Wong replied that the trees were old Walnut trees and none were in good shape and could not be saved.

Chairperson Cohen asked if Mr. Robsen was ready to discuss some of the conditions.

Mr. Robsen stated that Landscaping Conditions G11 and G12 were difficult to adhere to. He asked for flexibility in the size of the spaces allowed for tree planting. A six by eight foot planter worked for trees. However, when Condition G11 was added that specified three feet from the curb and "so many feet from a building," opportunities to plant trees were eliminated.

Mr. Wong opined that the selection of a tree was more important than the size of the area it was to be planted in. An ideal situation would be trees planted in a large ground plain with no hardscape surrounding it. However, an urban environment often required something different. He believed a deep-rooted tree could do well in an eight foot area but that nine feet was really needed.

Chairperson Cohen asked if he was proposing eight feet rather than nine feet.

Interim Planning Director Schwob passed a drawing that showed a mature tree and how it impacted homes it was close to. He stated that the City Landscape Architect strongly felt that the guidelines were appropriate. Staff was willing to work with the applicant concerning the development of townhomes and this kind of product.

Commissioner Natarajan asked if permeable blocks had been used before that allowed the size of the planter box to be reduced.

Mr. Wong stated that he had used permeable blocks, and he believed that they would be appropriate here.

Commissioner Thomas asked if the street trees would be watered automatically like the rest of the landscaping within the project. Would the property owners be responsible for these trees?

Mr. Wong replied that all landscaping in the area needed to be irrigated.

Mr. Robsen stated that the water would come off the common system.

Chairperson Cohen asked the applicant if he could see a middle ground.

Mr. Robsen stated that the permeable blocks would work. However, it would extend the driveway aprons to nine feet.

Associate Civil Engineer Russell stated that it was difficult to say, as these were traffic areas. Permeable pavements had not yet been successfully designed to withstand vehicle traffic. Nevertheless, he believed that a solution could be had.

Chairperson Cohen asked the applicant if he would be willing to work with staff to find a solution that would allow for vegetation.

Mr. Robsen stated that he would prefer trees, rather than vegetation (which could be bushes). He was willing to work with staff regarding Condition G11 and asked for some flexibility. He also read Condition D11 and asked if the examples were just ideas and not requirements.

Associate Civil Engineer Russell replied that the applicant was correct in his interpretation of the condition.

Mr. Robsen asked about the requirement that the improvements were to be performed to the center line of Mission Boulevard. He agreed that if the street was damaged, he would be responsible to correct it. However, no connections were planned on Mission Boulevard.

Associate Civil Engineer Russell stated this was a standard condition for all subdivision projects, in the event there was a failure on the roadway. The City had not seen construction level drawings and an inspection of the site's frontage had not been performed, yet.

Commissioner Sharma asked if the applicant was willing to improve the corner of Walnut Avenue and Mission Boulevard.

Chairperson Cohen suggested that the applicant work with staff to add a design element for that corner.

Chairperson Cohen closed the public hearing.

Commissioner Natarajan commended the applicant on a great project that was located on a difficult site. She could see that he was trying to achieve all of the City's goals while working with difficult infill site. However, the current landscaping and engineering standards reflected suburban uses, and they should be changed to reflect urban development of tighter sites. For example, the driveway was almost 40 feet wide and would allow access for less than 20 homes. In her opinion, some of the driveway could be a "softer space." She was comfortable working with this developer, as he had created numerous quality projects in the City. However, she did not see the level of details that would make this project successful in the drawings provided. She suggested that the Commission recommend that the applicant continue to work with staff or the Commission approve the General Plan and Preliminary Planned District with the applicant bringing back at least the final landscape plan with the grading plan. The applicant had provided 60 parking spaces, although he was required to provide 45 spaces. She suggested that the landscaping could be increased by decreasing the parking.

Commissioner Harrison asked what a standard Type E driveway was, as mentioned in Condition E5 and if Condition E1 that required the applicant to notify Planning Staff about the construction schedule was a standard condition.

Associate Civil Engineer Russell replied that a Type E driveway looked like a street intersection, but was a driveway with radial flares on the edge.

Associate Planner Meerjans stated that E1 it was a fairly common condition that allowed review of the construction before it was finished. Staff usually visited the site within a day or so of the notification.

Commissioner Sharma wanted a condition that specified something significant would be created for the corner of Mission Boulevard and Walnut Avenue.

IT WAS MOVED (SHARMA/WEAVER) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THE CITY COUNCIL APPROVE A MITIGATED NEGATIVE DECLARATION WITH A CERTIFICATE OF FEE EXEMPTION AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND PLN2003-00176 AND PLN2004-00032 ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

RECOMMEND PLN2003-00176 AND PLN2004-00032 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A" (GENERAL PLAN AMENDMENT) AND EXHIBIT "B" (REZONING EXHIBIT);

AND

ADD CONDITION THAT THE APPLICANT WILL WORK WITH STAFF TO CREATE A DISTINGUISHING FEATURE FOR THE CORNER OF WALNUT AVENUE AND MISSION BOULEVARD, A DETAILED LANDSCAPING PLAN WILL BE BROUGHT BACK FOR REVIEW ALONG WITH THE GRADING PLAN AND SUBDIVISION MAP. CONDITIONS G11 AND G12 WILL BE MODIFIED TO PROVIDE THE APPLICANT THE OPPORTUNITY TO PROPOSE ALTERNATIVE SOLUTIONS TO BE CONSIDERED CONCURRENT WITH THE RETURN OF THE LANDSCAPE PLAN, SUBDIVISION MAP AND GRADING. A RAILING WILL BE ADDED TO THE TOP OF THE 36-INCH HIGH PORTION OF THE WALL, AS DISCUSSED EARLIER.

The motion carried by the following vote:

AYES:	7 – Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

Chairperson Cohen called for a recess at 8:08 p.m.

Chairperson Cohen called the meeting back to order at 8:20 p.m.

Item 3. WASHINGTON BLVD PROJECT – 982-990 Washington Boulevard – (PLN2003-00282) - to consider a General Plan Amendment to change the land use designation from Light Industrial and Low-Density Residential, 4 to 6 dwelling units per acre, to Low-Density Residential, 5 to 7 dwelling units per acre, for 3.96 acres located in the Mission San Jose Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project.

Mark Robsen, applicant representing Santa Clara Development Company, stated that the property was currently an industrial building surrounded on three sides by residential and a church was on the fourth side. The amendment would make this property consistent with the uses surrounding it. The requested density was consistent with the goals of the General Plan and the Housing Element.

Commissioner Thomas asked if any thought had been given to building duet homes on the larger lots.

Mr. Robsen stated that the smaller lots were duets. Duets would be considered for the larger lots, as suggested by staff.

Commissioner Harrison asked if the corrected Exhibit A was on the wall.

Associate Planner Meerjans stated that the exhibit on the wall was correct.

Commissioner Natarajan asked the reason for requesting 5 to 7 dwellings rather than 4 to 6 units, as were the surrounding land uses. She asked if this project would be heard by the Commission as a Planned District. She noted that the four additional units would offset the below market rate (BMR) requirements.

Mr. Robsen stated that they had followed the housing element, which called for 5 to 7 dwelling units. It would come back to the Commission. The total density included the BMRs.

Interim Planning Director Schwob clarified that the 5 to 7 additional units compared to the 4 to 6 now allowed, which happened to coincide with the exact number of BMR units, and was a planned district.

Commissioner Natarajan asked, since it was a planned district, that a more creative site plan be designed. If engineering and street standards were holding back the design, she believed that the Commission and staff would be willing to favorably consider more creative design. The units along Washington Boulevard should address the street and include more than the required four below market rate housing, if possible, and a much more creative site plan.

Mr. Robsen agreed to all her suggestions.

Commissioner Sharma stated that he was glad to see this lot developed, as he passed by it regularly. He would support the project.

Commissioner Wieckowski asked if there was an impediment to making this development higher density.

Mr. Robsen stated that with the small number of attached units, condominiums would not work, because it would not be cost effective for a management company or homeowners association to maintain such a small building. Conversely, the duets could be maintained by each owner. He believed that a higher density would not be supported by the neighborhood, as evidenced during a neighborhood meeting held in June.

Commissioner Wieckowski noted that one of the Commission's obligations was to improve economic diversity. It was not inconceivable to expect that young families moving into the area would be interested in this development that was close to the proposed Irvington BART station. He applauded the four affordable units that were planned for this project. He asked if the community meeting made clear that less than single-family housing would be protested.

Mr. Robsen replied that during the meeting with the community:

- Single-family homes were presented to the neighbors during the meeting
- The project was consistent with the housing element for this lot
- The neighbors definitely preferred residential to the industrial building
- Comments were made about making the lots bigger.

Commissioner Sharma said that more affordable housing was due to be built soon in the Mission Area on Washington Boulevard. He recalled another recently approved project with an affordable housing component.

Interim Planning Director Schwob stated Commissioner Sharma was referring to the Mission Villas project.

Chairperson Cohen opened and closed the public hearing.

Commissioner Wieckowski, stated, for the record, that these infill projects had the potential to provide a great benefit to the City. This location would be good for higher density housing, given the Washington Boulevard location. He would like to see higher density for sites like this, especially with this one that comprised four acres.

Commissioner Harrison stated that this applicant got it! This would be a good quality development and something everyone could be proud of.

Commissioner Thomas liked that a site redesign would be considered. She envisioned 28 units.

Commissioner Harrison stated, on the record, that he encouraged the applicant to work with the neighbors, as the next design was created.

Chairperson Cohen commented that a balance had to be made between the desires of the neighborhood and the developer. He did not believe that more than 5-7 units would work on this site. He stated that this development company was the one he used as an example when the Commission was accused of not being development friendly. When a company like Santa Clara Development wanted to put together a project in the City, he was willing to bend over backwards to help it to create the best project possible.

IT WAS MOVED (HARRISON/THOMAS) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THE CITY COUNCIL APPROVE DRAFT MITIGATED NEGATIVE DECLARATION WITH A CERTIFICATE OF FEE EXEMPTION AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND PLN2003-00282 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

RECOMMEND PLN2003-00282 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A" (GENERAL PLAN AMENDMENT).

The motion carried by the following vote:

AYES:	7 – Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

Item 4. HOUSING ELEMENT IMPLEMENTATION PROGRAM 22 & 23 – to consider the following General Plan Amendment and Rezoning:

Site 1 (PLN2004-00077) consists of approximately 3.72 acres located on Thornton Avenue between Cabrillo Drive and Balboa Way (the Cabrillo Shopping Center) in the Centerville Planning Area. The proposed project would maintain the existing General Plan land use designation of Neighborhood Commercial and add a Residential High density (23 to 27 dwellings per acre) General Plan land use designation on the site. A rezoning of the site from Neighborhood Commercial (C-N) to Planned District P-2004-77 is also proposed. Implementation of the proposed project would allow the owner to maintain neighborhood commercial land uses, or redevelop the older center with new commercial, residential or mixed-use land uses on the site.

Site 2 (PLN2004-00079) consists of approximately 7.79 acres of land located on the northeast, northwest and southeast corners of Fremont Boulevard and Blacow Road in the Irvington Planning Area. The proposed project would maintain the existing General Plan land use designation of Neighborhood Commercial and add Residential Medium density (18 to 23 dwellings per acre) and Residential High density (23 to 27 dwellings per acre) General Plan land use designations on the site. A rezoning from Neighborhood Commercial (C-N) to Planned District P-2004-79 is also proposed. Implementation of the proposed project would allow the property owners to maintain neighborhood commercial land uses, or redevelop their properties with new commercial, residential or mixed-use land uses on the site(s).

Site 3 (PLN2004-00080) consists of approximately 8.25 acres on three separate but contiguous parcels of land located on the southeast corner of Fremont Boulevard and Grimmer Boulevard in the Irvington Planning Area. The proposed project would maintain the existing General Plan land use designation of Community Commercial, Irvington Overlay, and would add a Residential High density (27-35 dwellings per acre) land use designation on the site. A rezoning is proposed from the Community Commercial (Irvington Overlay) District (C-C(I)) to Planned District P2004-80(I). Implementation of the proposed project would allow the owner to maintain community commercial land uses, or redevelop the older center with new commercial, residential or mixed-use land uses on the site.

Site 4 (PLN2004-00081) consists of approximately 2.33 acres of land located on the southeast corner of Niles Boulevard and Rock Avenue in the Niles Planning Area. The proposed project would maintain the existing General Plan land use designation of Neighborhood Commercial and add a Residential Medium density (15 to 18 dwellings per acre) General Plan land use designation. The existing zoning designation of Neighborhood Commercial (C-N) and Planned District P-77-5 would be changed to Planned District P-2004-

81, which would allow all existing provisions of Planned District P-77-5. Implementation of the proposed project would allow the property owners to maintain existing P-77-5 commercial land uses, or redevelop their properties with new commercial, residential or mixed-use land uses on the site(s).

A Mitigated Negative Declaration has been prepared and circulated for this project.

Interim Planning Director Schwob noted staff report changes that included additional assessor parcel numbers that did not geographically change the maps, but the assessor maps showed some additional parcels that were easements or fractions of parcels in those areas.

Senior Planner Livermore stated that staff had been working on this project since the Housing Element had been approved in May and certified by the state in July. The Housing Element had 47 implementing programs and staff had concentrated on Programs 18 through 23. Programs 22 and 23 were the programs highlighted in the staff report. Property owners were made aware of this proposal through the mail, telephone and in person. The property owners had four options before them to:

- Retain existing commercial use
- Modify existing commercial use
- Develop with mixed uses
- Develop for residential user

Senior Planner Livermore continued by stating that the proposed densities were close, if not identical, to what was identified in the Housing Element and reflected a variety of densities. City Council was aware of the sites being considered and the property owners had been notified of those meetings.

Commissioner Natarajan asked staff to describe the larger process that these sites were a part of.

Interim Planning Director Schwob replied that these four sites had been identified and recommended by a Planning Commission subcommittee when the Housing Element was modified in the year 2001-2002. Patterson Ranch was originally considered, but difficulties were encountered. A three-prong approach was decided upon:

- Try to encourage transit oriented development along transit corridors (which would come before the Commission in the spring)
- Look at public and semi-public sites as an opportunity (the Fremont Unified District, the Water District and other facilities that had surplus land)
- Consider revitalization of older shopping centers and properties identified in the Concept Plan for the CBD.

Interim Planning Director Schwob continued that all of the sites identified in the Housing Element were at the densities that were anticipated in the Housing Element Appendices for these sites. The mixed-use standards would come before the Commission in a study session in December and mixed use sites for redesignation would be brought forward at a later date. Commercial industrial redesignation sites that were to convert to residential was another component and, finally, upzoning existing zoned residential sites to higher densities and intensities.

Commissioner Natarajan asked if the shopping centers within the CBD would come under the mixed-use category. Had the sites been evaluated to ascertain they could accommodate the densities being talked about? Looking at Exhibit "B2", she asked if the triangular parcel

could accommodate the 18-23 units to an acre. Were there other commercial uses in these areas that would serve the local residents, if these commercial sites became residential.

Interim Planning Director Schwob stated those sites were identified in the CBD concept plan as the Mount Vernon area (designated a PD earlier), The Hub (to be reviewed in the future) and the BART parking lot site (which was now a part of the transit oriented program). Yes, density evaluations had been performed. Exhibit "B2" showed two parcels that would have to be handled together. The Big O owners had expressed interest and the other owner had not objected to the proposal before the Commission. Yes, all areas had commercial businesses that provide services to the surrounding residents. He believed that the Cabrillo Center had the potential for becoming a mixed-use site.

Commissioner Natarajan asked if some of the commercial sites should be required to become mixed-use, rather than allowed to be purely residential.

Commissioner Sharma expressed concern about existing, thriving businesses having some input in the process, along with the owners of the properties. He wished to include a statement that existing businesses had a right to express an opinion about how the properties were handled.

Commissioner Harrison asked, on the record, if it was within the purview of the Commission to decide whether it preferred multifamily "and"/"or" mixed-use for the four sites. His comments were:

- Cabrillo was appropriate for mixed-use, as was the Niles location. Some commercial use must be retained throughout the commercial areas.
- These designations were being added to provide the current property owners more flexibility and they would not be forced to change anything. A sale or a tenant leaving a building would not trigger anything.

Senior Planner Livermore stated that the Commission was being asked to make recommendations and to decide retain commercial, modify commercial, allow mixed-use "or" allow entirely residential use.

Commissioner Harrison asked if several sites were in the pipeline.

Interim Planning Director Schwob replied that these were 14 to 18 parcels, so it was a small fraction of the total 650 parcels identified.

Commissioner Harrison clarified that it was at the owners' discretion to change the use of their properties and not an arbitrary decision made by the City. He asked what staff's response was to Mr. Thomas concerning the Cabrillo Center.

Interim Planning Director Schwob replied that it was not inconceivable for the City to plan to use some of these sites for redevelopment. At the present time, there were no plans to do that.

Senior Planner Livermore stated that staff explained to Mr. Thomas that existing tenants had their leases and it was up to the property owner to negotiate outstanding leases and to determine what would happen to their centers. The four options mentioned earlier were also explained.

Commissioner Harrison clarified that these options would not be triggered if anyone sold or exchanged their property, as had happened in Centerville.

Interim Planning Director Schwob stated that he was correct and this was unlike the Centerville area, in that regard.

Chairperson Cohen opened the public hearing.

Martin Hopkins, stated that most of his questions had been already been answered. He worried that high density would negatively impact the local schools that were overcrowded at this time. He feared that if each new development were mandated to provide 15 percent BMR units, then the area of the City that had the most developable land would have more BMR units than the rest of the City, which might not be best for the property owners in that area. He expressed confidence that the Commissioners would make the best decisions for the City.

Chairperson Cohen closed the public hearing.

Commissioner Natarajan believed this was good for all areas of the City. She looked forward to the mixed-use standards, but cautioned that these infill projects must include quality design along with quantity. She would support mixed-use for all the four sites. The percentages did not necessarily need to be defined, as they could be based upon the locations, market analyses and everything else that went into a project. Mixed-use typically worked best in an environment with four stories over podium parking, which meant that higher densities could be achieved. All this had to be considered, along with achieving a sense of place. The landscaping and engineering standards needed to reflect what the City's goals were in terms of mixed-use projects and if it wanted to go to the next level of urban development.

Commissioner Sharma asked if the public speaker meant the BMR units should be distributed by percentage or by absolute numbers. He agreed that some component should be added that did not allow a commercial property with successful businesses to be converted to 100 percent residential. He asked why certain percentages needed to be decided at this time. Why not do it on a case-by-case basis?

Interim Planning Director Schwob replied that the zoning must be in place by the summer of next year, under California law and under the City's Housing Element, and the densities must be generally higher than 20 units per acre. These were basic minimum levels and would not preclude the property owner from proposing projects with higher densities.

Commissioner Thomas agreed with Commissioner Natarajan's comments about replacing with quality. She asked if Site 3 could actually support 27-35 units per acre. Why was this parcel so much higher than the other parcels? She seconded Commissioner Natarajan's request that the various uses be looked at with regard to how dense they were, generally. She would support the amendment.

Senior Planner Livermore affirmed that Site 3 could support 27-35 units per acre.

Interim Planning Director Schwob stated that Site 3 was in the core area of Irvington where the services were most proximate and transit was best.

Commissioner Harrison concurred with the public speaker's concerns. The impact on schools needed to be considered and pockets of BMR units were not a good idea. Spreading them out among the entire development was best. He supported mixed-use as a way to preserve some of the commercial support in each core area.

Commissioner Wieckowski agreed with the other Commissioners concerning the preservation of continued economic element, as appropriate. These were sites in need of change, so he was not concerned about some sites being converted entirely to housing. The

Planning Commission would still have a chance to provide input for all of the options that made a development successful.

Chairperson Cohen stated that unless the City had proper guidelines that were not based upon an antiquated, suburban development model, quality projects could not be created by the Commission. He encouraged the other Commissioners to make certain that certain guidelines were created and implemented to ensure that developments of quality were created, rather than an excuse for development of any kind.

A discussion ensued as to what exactly was to be recommended.

Commissioner Natarajan stated, in her opinion, if a developer wanted to create a project that was 100 percent residential, it would be up to that developer to prove that mixed-use would not work at that location.

Interim Planning Director Schwob stated that an extensive outreach had been made to the property owners. Changing the amendment would require that the property owners be contacted again. He suggested one of two approaches: either add to the policy statements that the Commission encouraged the ultimate developer to strongly consider the needs of the community in preserving its vitality and commercial uses; or the Commission could recommend that some analysis and study should be undertaken as the projects at these sites came forward.

Commissioner Harrison preferred, as the maker of the motion, to strongly encourage developers to maintain the economic vitality in the areas, which would allow property owners the most flexibility.

IT WAS MOVED (HARRISON/THOMAS) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND THAT, BASED ON THE INFORMATION AVAILABLE TO DATE, THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THAT THE CITY COUNCIL APPROVE A MITIGATED NEGATIVE DECLARATION AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND THAT GENERAL PLAN AMENDMENTS AND PLANNED DISTRICT REZONINGS (P2004-77, P2004-79, P2004-80 AND P2004-81) ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING ELEMENT CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND THAT THE EXISTING COMMERCIAL SITES HAVE RELATIVELY UNIQUE FEATURES AND THAT THEIR DESIGNATION FOR MIXED-USE AND/OR RESIDENTIAL DEVELOPMENTS REQUIRES SPECIFIC DESIGN CONSIDERATIONS TO ACHIEVE THESE OBJECTIVES; AND ARE IDENTIFIED IN THE HOUSING ELEMENT SUCH THAT THE PROPERTIES CAN BEST BE DEVELOPED AS PLANNED DISTRICTS;

AND

RECOMMEND THAT THE CITY COUNCIL APPROVE PLN2004-00077, PLN2004-00079, PLN2004-00080, PLN2004-00081 TO AMEND THE GENERAL PLAN LAND USE

DIAGRAM TO DESIGNATE THESE SITES WITH ADDITIONAL RESIDENTIAL LAND USE DESIGNATIONS, AND REZONE THEM TO PLANNED DISTRICTS (P2004-77, P2004-79, P2004-80 AND P2004-81) IN CONFORMANCE WITH EXHIBITS "A1", "A2", "A3", "A4", EXHIBITS "B1", "B2", "B3", "B4" AND EXHIBIT "C1", "C2", "C3" AND "C4". (GENERAL PLAN AMENDMENT, REZONING EXHIBITS AND PLANNED DISTRICT EXHIBITS);

AND

STRONGLY ENCOURAGE DEVELOPERS TO MAINTAIN THE ECONOMIC VITALITY THROUGH CONSIDERATION OF MIXED USE PROJECTS.

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Natarajan, Sharma, Thomas, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 - Weaver
RECUSE:	0

Chairperson Cohen called for a recess at 9:15 p.m.

Chairperson Cohen brought the meeting back to order at 9:20 p.m.

- Item 5. TRI-CITY SPORTS AND PATIO WORLD GPA – 40800 & 40900 Grimmer Boulevard - (PLN2004-00092)** consists of a General Plan Amendment and Rezoning to add a Residential High density 23-27 du/ac and a Residential Medium density designation of 18-23 du/ac to the existing Community Commercial land use designation at 40800 and 40900 Grimmer Boulevard and rezone both sites from Community Commercial (Irvington Overlay) (C-C(I)) to P2004-92(I) Planned District allowing all existing Community Commercial Irvington Overlay (C-C-(I)) zoning provisions as well as mixed use and/or residential development of 23-27 units per acre and 18-23 units per acre, respectively. The site is approximately 16.6 acres located on the corner of Grimmer Boulevard and Irvington Avenue in the Irvington Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project.

Senior Planner Livermore stated that this item was related to the previously heard item. The owners had approached staff concerning their interest in developing their sites. Two densities would be approved, per the above summary. For the record, there were no current plans to redevelop the Tri-City Sports site, at this time.

Commissioner Wieckowski asked what the difference was between a planned district and a preliminary planned district, as shown in two places on the revised agenda.

Senior Planner Livermore stated that the word "preliminary" should be omitted.

Commissioner Natarajan asked why two different densities were proposed for these sites.

Senior Planner Livermore replied that the proposed density for the Patio World site was based upon a conceptual plan the owner was currently considering. The other site might be able to support a slightly lower density. However, the property owner could increase the density in the future, but density could not be decreased.

Chairperson Cohen opened the public hearing.

Martin Hopkins declined to speak again as he felt that he had addressed both items when he spoke concerning the previous item.

Chairperson Cohen closed the public hearing.

Commissioner Natarajan asked what Recommendation 5 meant.

Interim Planning Director Schwob stated that this recommendation was one of the standard City-initiated plan district findings.

Commissioner Sharma asked if the owner had initially contacted the City.

Interim Planning Director Schwob stated that he was correct and City Redevelopment and Housing staff was assisting him to move this process forward.

Commissioner Harrison asked if the owner approved of how the process was being handled.

IT WAS MOVED (THOMAS/WIECKOWSKI) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND THAT, BASED ON THE INFORMATION AVAILABLE TO DATE, THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THAT THE CITY COUNCIL APPROVE A MITIGATED NEGATIVE DECLARATION AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND THAT GENERAL PLAN AMENDMENTS AND PLANNED DISTRICT REZONING (P-2004-92) ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING ELEMENT CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND THAT THE EXISTING COMMERCIAL SITES HAVE RELATIVELY UNIQUE FEATURES AND THAT THEIR DESIGNATION FOR MIXED-USE AND/OR RESIDENTIAL DEVELOPMENTS REQUIRES SPECIFIC DESIGN CONSIDERATIONS TO ACHIEVE THESE OBJECTIVES; AND ARE IDENTIFIED IN THE HOUSING ELEMENT SUCH THAT THE PROPERTIES CAN BEST BE DEVELOPED AS P DISTRICTS;

AND

RECOMMEND THAT THE CITY COUNCIL APPROVE PLN2004-00092 TO AMEND THE GENERAL PLAN LAND USE DIAGRAM TO DESIGNATE THESE SITES WITH ADDITIONAL RESIDENTIAL LAND USE DESIGNATIONS, AND REZONE THEM TO PLANNED DISTRICTS (P-2004-92) IN CONFORMANCE WITH EXHIBITS "A", "B", AND "C." (GENERAL PLAN AMENDMENT, REZONING EXHIBIT AND PLANNED DISTRICT EXHIBIT).

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Nararajan, Sharma, Thomas, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Weaver
RECUSE:	0

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

Interim Planning Director Schwob asked that a date be decided upon for the Planning Commission dinner.

It was agreed to hold the dinner on January 8, 2004, at Salang Pass at 7:00 p.m.

Interim Planning Director Schwob reminded the Commission that the election of officers would take place at the next meeting.

- Information from Commission: Commission members may report on matters of interest.

Meeting adjourned at 9:45 p.m.

SUBMITTED BY:

Alice Malotte
Recording Clerk

APPROVED BY:

Jeff Schwob, Secretary
Planning Commission